

23 August 2004

Mr. Bill McCord, Planner
Department of Growth and Environmental Management
Development Services Division
3401 West Tharpe Street
Tallahassee, FL 32303

RECEIVED

AUG 24 2004

Growth & Environmental Management
INTAKE ChR
2:48

Re: Summerfield PUD Concept Plan – 4910 North Monroe Street

Dear Mr. McCord:

I would like to once again submit comments for the DRC Review of the Summerfield PUD that was continued from 4 August 2004 for the proposed rezoning of 108 acres of the property at 4910 N. Monroe Street.

There are significant problems with rezoning the property as requested by the applicants and my objections are outlined below. There are clearly many environmental constraints with this site that must be considered as part of the rezoning decision.

1) Unpermitted Alteration of Open Basin to Lake Jackson

The status and circumstances surrounding certification of the new closed basin to Lake Jackson of the northern 55 acres of the property remain suspicious and need to be investigated more closely. This newly created unnamed basin was formerly an open basin connected by a watercourse to Little Lake Jackson (and Lake Jackson) prior to unpermitted dredge and fill activities that occurred in August 2003, just prior to the initial application for a land use change in November 2003. These unpermitted pre-development alterations not only severed a watercourse to close the basin but changed the elevation at the rear of the pasture in order to enlarge the basin (i.e., make it bigger than it ever was) so it would meet the criteria that allows the Comp Plan to self-amend.

The County's position in accepting the property owner's explanation of these alterations, that these activities were simply alterations to existing topography conducted as part of this site's ongoing farm operations, is legally questionable and should be reconsidered. Regardless of the historic land use or claims that this alteration somehow provides a "net benefit" to Lake Jackson, the County should have enforced this blatant violation of jurisdictional wetland rules and the County's EMA. If you look carefully at the alteration that was done last year, it went well beyond simply filling a ditch, but significantly altered the topography in that basin far beyond what is visible on historic aerial photos back to the 1940's. In other words, they did not "restore" the basin to the original topography by filling the ditch in the pasture but created new conditions. Although the property was formerly a dairy farm, it is no longer used for grazing and has

not had cows on it for many years. The large area of standing water that they created by building this berm clearly does not enhance their ability to hay the property. Therefore, the claim that the activity was agricultural in nature is false and was really a preparation for residential development. The timing of the berm construction, just two months prior to application for a land use change, is strong evidence of the real intention. The intention of this unpermitted work is clear, enhance the probability that an engineer will certify the basin as closed to Lake Jackson, thereby increasing the number of units, etc. Therefore, without significant and PERMITTED alterations to the jurisdictional wetland, the 55 acres in question are NOT in a closed basin to Lake Jackson and the developer should not be allowed benefit from an illegal act and develop at the intensity allowed for a closed basin. In fact, the County should send the property owner a Notice of Violation of the EMA and require that the berm be removed as soon as possible.

2) Open Space Requirement

This PUD should follow the precedent set by the Lakeside subdivision just to the north where the County required the developer to maintain one-half of the subdivision land area (31 acres) in a large block that surrounds the clustered housing. Likewise, for the Summerfield PUD, there are clear benefits to respecting the current land use requirements. The large acreage of the property in Lake Protection translates to a much lower density of residential units than currently proposed by the developer and a significant proportion of the land designated as open space (especially if those units are clustered). For maximum protection of environmental features on the northern portion of the property (including wetlands, an extensive grove of large live oaks, and a habitat linkage area from Little Lake Jackson to Lake Jackson) the open space should consist of one large block of contiguous habitat (approximately 23 acres), rather than allowing the developer to split the required open space into small, fragmented portions of little or no ecological value (see attached). In addition, there are Comp Plan policies that require the preservation of environmentally sensitive features on the site and this is currently not part of the plan.

3) Lake Protection and Allowable Density

Currently, the land use category for the northern 55 acres of the property is Lake Protection and the other 53 acres is Residential Preservation. The entire 108 acres is zoned Lake Protection. The applicant is requesting Mixed Use zoning for the entire 108 acres. Mixed Use would allow maximum intensity residential development (duplexes, multi-family, condo-style) with commercial and retail along U.S. 27. The developer should be required to limit residential housing density in Lake Protection to 1 unit per 2 acres or 2 units per acre clustered on 40% of the LP-designated area (an overall density of 0.8 units per acres for the entire LP designated area). Therefore, the number of units should not exceed those allowed under current Lake Protection zoning and with no commercial development along or adjacent to U.S. 27 and no multifamily housing (e.g., apartment buildings, duplexes, etc.).

4) Traffic/Canopy Road Access Issue

The Comprehensive Plan Policies for Canopy Roads (Policy 3.4.10) clearly applies to this proposed development. The consistent application of this policy is that only low density residential and community facilities development will be allowed access to a canopy road. The Summerfield PUD is clearly not low density residential. Therefore, road access to Old Bainbridge Rd. should not be allowed at the current proposed density. Because N. Monroe Street is at maximum concurrency already, access only to N. Monroe Street requires a significant reduction in the planned residential density.


5) Wetland Conversion/Alteration

There are many site constraints including a 3-acre natural wetland on the northern portion of the property. This wetland supports populations of several amphibian species (e.g., spadefoot toad) that live in the uplands but only breed in shallow, vegetated, fishless wetlands and, thus, are restricted to such habitats. White ibis and snowy egret (state-listed) and wood storks (Federally listed) are known to frequently forage in this wetland. Despite any minimal past agriculture, the presence of these species along with other wetland features demonstrates that this is an ecologically viable and functioning wetland and cannot be subject to more than 5% alteration under the EMA. Based on this designation, the wetland cannot be altered to a construct the large stormwater holding pond as proposed by the applicant and implicit in their rezoning request.

Based in part on these comments, I am hopeful that Leon County denies the proposed zoning changes and concept plan approval. Any PUD for this property needs to respect the underlying land use categories and follow the EMA and the developer should be strongly encouraged to consider a more marketable and sensible approach to this development.

I would like to be notified when a final decision is reached so that I may appeal it should I disagree with the final disposition.

Sincerely,

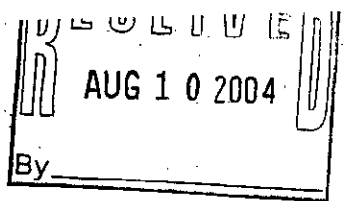


Matthew J. Aresco
754 Livingston Court
Tallahassee, FL 32303



TO BILL MORD

Attachment # 7
Page 5 of 19



Leon County Growth and Environmental Management Department, Development Services Division:

I/We as owner(s) of Lot _____, Block _____, of the
MARK BRAUDON

at the following street address:
4482 CAMDEN RD.

wish the following information to be considered by the Leon County Development Review Committee:

We are opposed to this rezoning due to the density, land use and traffic impacts. I would support single family development with limited commercial or retail. NO MULTI-FAMILY! The density as proposed, will create significant traffic problems particularly on Old Baird Rd at Camden. This would be a very hazardous intersection. Please work with the developer to come up with a more acceptable plan.

Mark Braudon
(Signature)

MARK BRAUDON
(Print Name) 850-891-8382

Project Name: Summerfield PUD
DRC Review: August 4, 2004, 10:00 AM

Thurs
M 30

Leon County Growth and Environmental Management Department, Development Services Division:

I/We as owner(s) of Lot _____, Block _____, of the
Greenwood Hills

at the following street address:

2017 Cynthia Dr

wish the following information to be considered by the Leon County Development Review Committee:

Traffic is so bad on N. Monroe now. Please consider
adding 2 lanes - One going North and one going South

Please be very careful of the environment. So many
turtles were killed when the lake drained. Please
continue to provide crossings for wildlife

April Thompson
(Signature)

April Thompson
(Print Name)

appeal any decision made by the Leon County Commission or take exception to any findings of fact with respect to any matter considered at the hearings referred to above, you may need to ensure that verbatim record of the proceedings is made. Such a record shall include the testimony and evidence. The appeal is to be based.

Attachment # 9
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The Florida Land Use and Environmental Dispute Resolution Act provides an opportunity for an owner of property who believes that a development order Per Chapter 163.3164, Florida Statutes, is unreasonable or unfairly burdens the use of his real property to apply for a special master proceeding. Owners of real property contiguous to the site will be provided a copy of any such request for a special master proceeding filed with the Planning Department. Any substantially affected party who submits oral or written testimony of a substantive nature which states with particularity objections to or support for any development order at issue may also receive a copy of any request filed under the Florida land Use and Environmental Dispute Resolution Act by filing a written request for such copy with Cherie Bryant, Acting Chief Land Use/Current Planning Division, Planning Department, City Hall, 300 South Adams Street, Tallahassee, Florida 32301.

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least forty-eight (48) hours (excluding weekends and holidays) prior to the hearing. The phone number for the Planning Department is (850) 891-8600. The phone number for the Florida Relay TDD Service is 1-800-955-8771.

The form below is for your convenience and may be returned to Adam Antony Biblo at the Tallahassee-Leon County Planning Department, City Hall, 300 South Adams Street, Tallahassee, Florida 32301; Telephone 891-8600; Fax 891-8734. We would appreciate receiving any information which would be useful to the Planning Commission and the Leon County Board of County Commissioners in their deliberations on this rezoning application.

PLANNING DEPARTMENT

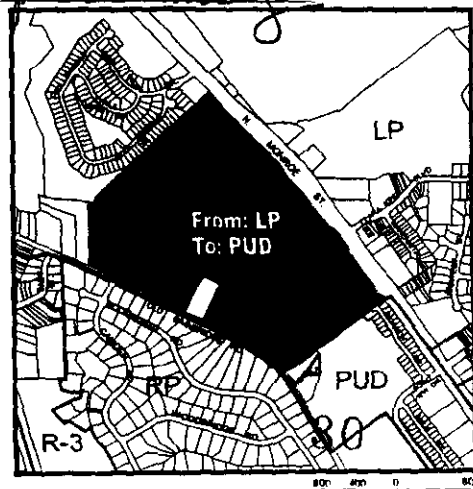
I/We as owner(s) of Lot 13, Block _____ of the LAKESIDE (subdivision) _____

or street address: 4452 Cool Emerald DR wish the following information to be considered by the

Planning Commission and/or Board of County Commissioners: U.S. 27 NORTH IS NOW A congested roadway. I don't believe you can increase the traffic by the amount of additional traffic this development will generate safely. Also of prime concern will be the damage to Lake Jackson by storm water runoff

SIGNED: Ralph W. Penley

General Location Map



RECEIVED

04 AUG 26 AM 8:09

TALLAHASSEE/LEON COUNTY
PLANNING DEPARTMENT

You are hereby notified in accordance with Chapter 286.0105, Florida Statutes, should you decide to appeal any decision made by the Leon County Commission or take exception to any findings of fact with respect to any matter considered at the hearings referred to above, you may need to ensure that verbatim record of the proceedings is made. Such a record shall include the testimony and evidence upon which the appeal is to be based.

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PLANNING DEPARTMENT

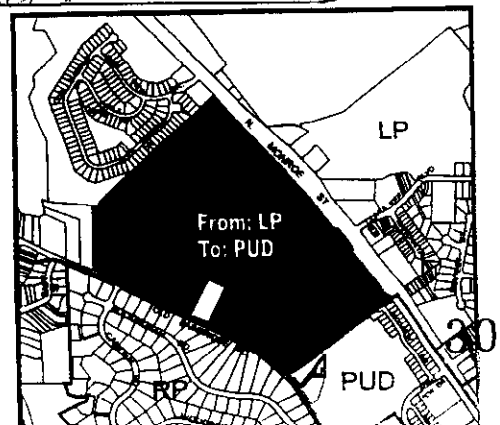
I/We as owner(s) of Lot _____, Block _____ of the _____ (subdivision) _____

or street address: 4436 COOL EMERALD DR wish the following information to be
considered by the 32303

Planning Commission and/or Board of County Commissioners: ① Please provide ADEQUATE
GREEN SPACE BETWEEN REAR OF HOMES ② DON'T ALLOW
WATER TO RUNOFF AND ACCUMULATE INTO OUR YARDS

SIGNED: Tamara A. Gause

General Location Map



RECEIVED
04 SEP -2 PM 3:25
TALLAHASSEE/LEON COUNTY
PLANNING DEPARTMENT

Biblo, Adam Antony

From: Matthew J. Aresco [aresco@bio.fsu.edu]
Sent: Tuesday, September 14, 2004 2:53 AM
To: "Tallahassee Leon County Planning Commissioners"
Cc: Tedder, Wayne; Biblo, Adam Antony; cpg1@comcast.net
Subject: Summerfield PUD - FDEP Wetland Violation Warning Letter

Dear Planning Commissioners,

Attached please see the PDF of a letter sent September 10, 2004 from FDEP to the owner of the property (Mary Sellars property) at 4910 N. Monroe Street - the location of the proposed Summerfield PUD.

This is a Warning Letter relating to an investigation of illegal, unpermitted dredge and fill alterations of a jurisdictional wetland to Lake Jackson that took place last fall just prior to their application for a zoning change (outlined in my previous letter to you). FDEP requires the owner enter into a Consent Order that will likely require corrective action including removal of a berm on the site and restoration of the jurisdictional wetland. Removal of the berm will restore the area as an open basin to Little Lake Jackson/Lake Jackson, with significant implications to the requested zoning change for Summerfield.

Following berm removal, all land in the northwest basin will again be subject to the limitations of the Lake Protection land use category and require that the Summerfield PUD Concept Plan be significantly changed in terms of both density and location of residential units in this basin, and location of required stormwater facilities (i.e., the wetland in this basin now cannot be used as a stormwater pond). The Concept Plan and application for zoning change from Lake Protection to Mixed Use A that is under development review for the Summerfield PUD is based on the assertion that the basin in question is legally closed to Lake Jackson. FDEP's letter (and NFWFMD's letter) clearly state that this is not a legal closed basin. Issuance of an after-the-fact permit is highly unlikely in this case. The US Army Corps will also be investigating these illegal activities.

As a result of these actions, I submit that you must either recommend denial of the Conceptual Plan and zoning change application for the Summerfield PUD or withdraw it from your agenda until such time as the legal issues surrounding this matter are resolved and the application has gone through the County development process again.

Thank you for your attention to this matter.

Matt Aresco

Matthew J. Aresco
 Department of Biological Science
 Florida State University
 Tallahassee, FL 32306-1100

(850) 562-3093
 aresco@bio.fsu.edu

Disclaimer. The views and opinions expressed in this email are strictly those of the author and in no way represent those of Florida State University, The Board of Trustees, nor the State of Florida.

Sep-13-2004 3:03PM

CFILOSVRTJAIDMMISSN

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Attachment # 9
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Jeb Bush
Governor

Department of Environmental Protection

Tallahassee Branch Office
2815 Remington Green Circle, Suite A
Tallahassee, Florida 32308-1513

Colleen M. Casile
Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 10, 2004

WARNING LETTER
DF-CM-37-048

Ms. Mary Sellers
c/o Mr. C. C. Sellers
8179 Glenmore Drive
Tallahassee, Florida 32312

Dear Mr. Sellers:

An inspection of Ms. Sellers' property located along North Monroe Street, in Section 5, Township 1 North, Range 1 West, Latitude/Longitude, 30° 31' 10.02" North, 84° 21' 18.77" West, Leon County, indicates that you may be in violation of Chapters 373 and 403, Florida Statutes (F.S.), and the rules promulgated thereunder. On August 27 and 31, 2004, Craig McCammon observed that fill was placed in wetlands without prior authorization from the Department.

It is a violation of Rule 62-312.060(1), Florida Administrative Code, and Sections 403.161(1)(b) and Chapter 373, F.S., for construction and/or dredging and filling activities to be undertaken in wetlands or Waters of the State, without an appropriate and valid permit issued by the Department, or to fail to comply with any permit issued by the Department.

You are advised that activity of this type may contribute to violations of the above described statutes or rules and we request that you cease immediately. Continued dredging, filling or construction activities in wetlands or Waters of the State in violation of State statutes or rules may result in liability for damages and restoration pursuant to Sections 403.121, 403.141 and 403.161, and Chapter 373, F.S.

PLEASE BE ADVISED that this letter is preliminary to agency action in accordance with Section 120.57(4), F.S. In the event you fail to comply with the corrective measures outlined below, the Department may initiate an administrative action by issuing a Notice of Violation or by filing a judicial action in accordance with Chapters 373 and 403, F.S. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation.

SEP. 13. 2004 3:04PM

OFILOSVRTJA1DMMISSN

No. 0032 P PAGE 83

Mary Sellers
DF-CM-37-048
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You may resolve this matter by entering into a Consent Order requiring certain corrective actions including restoration of wetlands on the site. The Consent Order may include payment of a civil penalty and reimbursement of Department costs.

We look forward to your cooperation in resolution of this matter. Please contact Craig McCammon at (850) 488-3704, within 14 days of receipt of this letter regarding your intention to enter into the Consent Order addressing the alleged dredge and fill violation.

Sincerely,



Michael A. Hogan
Engineer

MAH/cem

cc: U. S. Army Corps of Engineers
Leon County Building Department
Kellie Scott, DEP Office of General Council
Randall Denker



Douglas E. Barr
Executive Director

Northwest Florida Water Management District

Division of Resource Regulation
152 Water Management Drive, Havana, Florida 32333-4711
(U.S. Highway 90, 10 miles west of Tallahassee)
(850) 539-5999 • (Suncom) 793-5999 • (Fax) 539-2777

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September 3, 2004

Mr. Tom Franklin
2815 Remington Green Circle Suite A
Tallahassee, FL 32308

Dear Sir;

An issue regarding a partial filling of a ditch/streambed draining to Little Lake Jackson has been brought to the attention of the District. A Chapter 373 and Chapter 403, Florida Statutes, agricultural determination has been requested by the FDEP. They asked if the described project met the requirements to be considered an agricultural activity. Numerous messages describing the situation as well as pre-and post aerial photos have been submitted. Based on a review of the available information, this activity is not normal and customary for agriculture and thus would not be considered as an agricultural activity.

The ditch of interest is located on what had historically been agriculture land. Filling the ditch halted the drainage of the farmland into Little Lake Jackson. The backfilling was ostensibly completed in 2003, but reported to the FDEP in August 2004. We understand that the activity occurred without a permit from any agency.

The owner reported to the County that they filled the ditch to prevent pesticides and herbicides from leaving the farm, although the District is unaware of this being documented as a problem for the site. Contrary to the original intent of the construction of the ditch in 1970's, the subsequent backfilling of the ditch reduces the amount of tillable lands. This action is not a normal agricultural practice.

Based on available information, the filling of the ditch appears to be a land development issue. The landowner has reportedly filed for a land use conversion with the County. (Summerfield PUD), clearly indicating the intended use of the property is residential development. Evidence suggests the filling of the ditch may increase the development potential of the land.

A predevelopment land altering activity on what was agricultural land is not a necessary normal and customary farming or forestry operation. See 403.927(3&4), Florida Statutes. Therefore the activity is not considered as agriculture, as per the above reference, and not within the regulatory jurisdiction of the NFWFMD. It should be noted, that even if the project was permitted as agriculture, a land use conversion would void the permit, and necessitate the removal of the fill and re-permitting by one or more other non-agricultural permitting agencies.

Sincerely,

Lance Laird, P.E., Chief
Bureau of Surface Water Regulation

JOYCE ESTES
Chair
Eastpoint

L. E. MCMULLIAN
Vice Chair
Sneads

STEPHANIE H. BLOYD
Secretary/Treasurer
Panama City Beach

LOIS BENSON
Pensacola

WAYNE BODIE
DeFuniak Springs

PAUL BRADSHAW
JAL_Hatchemo lake jackson letter guy in shipkey

HULAN CARTER

SHARON T. GASKIN
Wowahitchka

RICHARD PETERMAN
Fort Walton Beach

30

September 15, 2004

To: Planning Department
Leon County
Adam Anthony Biblo

From: Bruce Ryan
1932 Queenswood Dr
Tallahassee, FL
536-0350



Re: Summerfield PUD zoning change request

Please accept my humble comments. I wish I could attend but children and business prevent me from attending.

I am concerned about this proposed zoning change. I think the proposed change of zoning from the current designated zoning to the PUD would be extreme and excessive. I am not against some development, but this would simply defy all reason.

The area is extremely sensitive and the county has already determined that much of it is as indicated on the Future Land Use map as Lake Protection and some of it for only minor residential. That is the plan, it was decided and agreed, and should NOT change now!

All the money and time Leon County spent on Lake Jackson, and the emphasis on Canopy Roads makes this proposed zoning change impossible to believe.

Those are the environmental concerns as I see it in a nutshell. Some other impacts to consider are Traffic, Density, Lake Pollution (septic), canopy road impacts, drive down property values in the area, cutting down trees in contradiction to the County's own ordinance.....etc.

Thank you for your time

Bruce



PROFESSIONAL SURVEYING AND ENGINEERING

2844 Pablo Avenue
Tallahassee, Florida 32308
Phone: (850)-385-1179
Fax: (850)-385-1404

September 14, 2004

Jane G. Sauls, Chairman
Leon County Board of County Commissioners
301 S. Monroe Street
Leon County Court House, 5th Floor
Tallahassee, Florida 32301

Re: Summerfield PUD

Dear Chairman Sauls:

I am in receipt of a copy of a letter apparently being circulated by Matthew J. Aresco concerning the above referenced project. As the project engineer, I would like to offer the following information for your consideration.

1) Canopy Road Access Issue

Conservation Element Policy 3.410 of the Comprehensive Plan is not applicable to this project in that it addresses medium and high density residential, commercial and office uses. This project, at less than 5 residential units per acre, is defined by the Land Development Code (LDC) as low density. There are only two (2) commercial/office use lots proposed and both are located immediately adjacent to and accessed from U.S. 27.

While there is at least one provision in the LDC that would appear to prohibit the proposed Canopy Road connection, there are several provisions, as listed below, in the Comprehensive Plan that appear to allow such a connection.

Conservation Element:

Policy 3.4.4 *Prohibit new subdivisions and development that would allow development to occur within 100 feet of the centerline of a canopy road without the express approval of the local government.*

Policy 3.4.5 *Mitigation requirements shall be established and utilized to condition approvals for those projects which intrude on the area*

within 100 feet of the centerline of a designated canopy road.

Policy 3.4.6 *Prohibit subdivision of property along canopy roads which would require the **significant increase** of driveways to provide legal access to newly created parcels.*

Policy 3.4.8 *Integrated access **will be required** for new subdivisions along canopy roads.*

Policy 3.4.9 *Land uses which generate or attract **large volumes** of traffic shall be discouraged along designated canopy corridors.*

Policy 3.4.10 ***Medium and high density** residential, commercial, and offices uses will be allowed on designated canopy roads only where there is alternative access to a road other than a canopy road.*

Transportation Element:

Policy 1.6.3 *Encourage the interconnection for vehicular and pedestrian traffic between adjacent, compatible development.*

Policy 1.6.4 *Encourage the interconnection of vehicular or pedestrian traffic between adjacent incompatible developments if this interconnection has the potential to reduce the vehicular traffic on the external street system without negatively impacting either development.*

It does appears that there may be some conflict in the ordinances, but perhaps that is why it is at the discretion of the Commission to approve Canopy Road connections.

Transmitted herewith is a copy of a picture from Mr. Aresco's letter of the existing roadway connection. While this does not represent the proposed connection, should this option be chosen, this picture clearly indicates that there would be very little impact to the Canopy Protection Zone. The Planning Department has recommended a connection for emergency vehicles only which would require improvement of this existing roadway. Additional improvements beyond those necessary for emergency vehicles to make this a public connection would be minimal and could be accomplished without additional impact to the Canopy Protection Zone.

The limitation of an emergency access only to Miccosukee Road for the Westminster Oaks PUD may have been based on other considerations, such as traffic, sight distance issues, etc. Such issues are not significant concerns for the Summerfield PUD proposed connection.



2) Unpermitted Topographic and Watercourse Alteration of Open Basin To Lake Jackson

The subject connection to Little Lake Jackson was a ditch excavated, from what I have been told by the current owners of the property, in the late 1940s. The excavation of the ditch is evidenced still today by the spoil piles along the edges. Such an excavated ditch is certainly not a natural connection. In apparently 2003, this connection was filled in at the eastern terminus of the ditch for, from what I understand, agricultural and environmental reasons. While the closing of this ditch did in fact recreate a closed basin, it is of very little, if any, benefit to the Summerfield PUD. However it appears to be the general opinion that the closing is of significant benefit to the water quality of Little Lake Jackson. Rezoning of this closed basin will technically allow a greater density, however if the ditch had remained open or were to be reopened leaving the property in the Lake Protection Zoning District the overall number of units would not significantly be reduced from that proposed. The costs associated with infrastructure, streets, water and sewer, etc., would be reduced under the Lake Protection Zoning clustering option, and the costs associated with the construction of the Storm Water Management Facility would be reduced by virtue of full retention not being required.

Agricultural activities are evidenced by aerial photographs as late as September 15, 2003. Should this property not be developed and return to agricultural use this basin will, without a doubt, be included in the agricultural use.

3) Determination of a "Degraded Wetland" and Proposed Conversion Alteration

Aerial photographs dated 5-6-57, 5-8-70, 4-27-76, 12-1-80 and 9-15-03, as well as the 1949 photograph referenced by Mr. Aresco, clearly indicate continuing agricultural use of this property. Also, the 1949 photograph is the only one indicating wet conditions in the subject basin, all other photographs indicate agricultural activity within this entire basin. Such agricultural activity would preclude any presence of wetlands. The wet conditions indicated in the 1949 photograph should be tempered with the knowledge that there was a severe flood in this area in 1948 and those wet conditions may be remnants of that flood.

It has been, and remains, the position of the applicant that at the time of the Natural Features Inventory (NFI) the subject area was not a wetland as defined by Chapter 62-340, F.A.C. and the LDC. The "degraded wetland" determination was agreed to by the applicant only because, while restricting, it did not prohibit development. The aerial photograph dated 9-15-03, which was after the closing of the ditch, clearly indicates agricultural activity and complete absence of wetlands in this basin.

The assertion seems to be that the ditch should be re-opened. **The Environmental Review Staff of the Leon County Growth Management Department has publically stated that the closing of the ditch was an environmentally positive action for Little Lake Jackson and that if a permit had been applied for it would have been**

issued. It should also be noted that if action is taken to re-open the ditch the subject basin will return to it's former dry and tillable condition thereby eliminating any possible emergent wetland vegetation. However, should it be determined that re-opening of the ditch is desirable, I have no reservations recommending to the applicant to do so. Such action will have minimal, if any, negative impact on the Summerfield PUD while certainly having a negative impact on the water quality of Little Lake Jackson.

4) Patriarch Oak Protection And Open Space Requirements

As you may be aware, the residential components of the Summerfield PUD were initially presented for Final Development Review. However, in large part because of concerns by the applicant as well as Growth Management Staff concerning tree preservation, the review submittal was modified to be Conceptual. By making this modification, the applicant is able to move forward in the review and approval process while allowing additional time to further address the preservation of trees to the greatest extent possible. It should be noted that while some trees will be located on lots this does not automatically mean however that these trees will be removed.

In the discussion of trees it should be noted that size alone does not qualify a tree to be designated as a patriarch. According to the LDC, a patriarch must be, in addition to size, an "exceptional specimen". To meet this criteria, factors to be considered include spread, crown, condition and health. The applicant has retained a Certified Arborist to review all trees on site, 36" DBH or larger, for patriarch status. All trees determined to meet the criteria for patriarch status, along with many others that do not qualify, are being preserved and placed in conservation easements.

The tree shown in the photograph provided with Mr. Aresco's letter is in fact located in a proposed conservation easement as indicated on the Summerfield PUD Conceptual Site and Development Plan, contrary to Mr. Aresco's allegation.

5) Other Lake Jackson Stormwater Issues

While there are two (2) proposed connections to U.S. 27, neither of these will directly or indirectly discharge storm water runoff to Lake Jackson. Each connection will be designed so that storm water will flow onsite and ultimately to the appropriate storm water facility. It should be considered also that there is no discharge from the median and the southbound lanes of U.S. 27 to Lake Jackson. All runoff from these areas is directed to the western roadside ditch with no direct or indirect connection to Lake Jackson.

6) Variance Of The Environmental Impact Analysis

It should be noted that the Summerfield PUD does have an approved Natural Features Inventory, thus all natural features and environmentally sensitive have been identified and located. Consideration of these features was given in the proposed concept plan.

Section 10-841 (4) indicates that "an environmental analysis" is required. Section 10-840.2.1(4) provides that "an environmental analysis" is optional. Therefore, to be technically correct in either case, a variance has been requested that would require an approved environmental analysis at Final Development Plan submittal.

7) PUD Land Use Compatibility - Multi-Story Apartment Complexes

When uses are allowed under certain zoning districts and/or underlying land uses as defined by the Comprehensive Plan and the Land Development Code, consideration of compatibility issues have already been addressed by those that are professionals in those areas. Any compatibility issues beyond that would seem to be just personal opinion. Additionally, the Summerfield PUD proposes that the multi-family component be "buffered" from existing single-family homes by providing areas of proposed single-family homes between the two.

Staff review of the Summerfield PUD has in fact followed proper procedure. This review has been both very thorough and very professional. There could be some confusion by some who have not understood the process. As previously stated, the Summerfield PUD was initially submitted for Final Development Review for the residential components and Conceptual Development Review for the commercial/office component. A second Technical Review was required for this application, however, prior to the second Technical Review the application was modified to Conceptual Development Plan and submitted to the Development Review Committee.

I trust that the above will adequately address your concerns and the "issues" that been brought forth by others. Should you have any questions or require additional information, please call me at 385-1179.

Sincerely,
ALLEN NOBLES & ASSOCIATES, INC.



Robert B. Sellers, P.E.

cc: Mr. Wayne Tedder, Director, Tallahassee/Leon County Planning Dept.
Mr. Gary Johnson, Director, Leon County Growth Management Dept.
Mr. Parwez Alam, County Administrator, Leon County
Mr. Charles Gardner, Esquire

